

R E M A R K S

Claims 1 and 25 have been amended to correct the spelling of "benzimidazolone," thereby overcoming the objection to these claims. Claim 1 has been further amended to recite a melt viscosity not greater than 120 mPas•sec at 140°C., as disclosed in the original specification e.g. at p. 4, lines 12-13, and to incorporate the recital of original dependent claim 2; claims 2 and 3 have accordingly been cancelled as redundant. Since this Amendment does not increase either the total number of claims or the number of independent claims, no additional fee is necessary.

Claims 1, 4 - 7 and 25 are in the application. No claim has been allowed, but claim 25 has only been provisionally rejected, on an obviousness-type double patenting ground.

***Rejection under §112***

In response to the rejection of claims 1 and 4 - 7 under 35 U.S.C. §112, first paragraph, as lacking support in the written description for the recital (in claim 1) of a melt viscosity not greater than 125 mPas•sec at 140°C, claim 1 (on which claims 4 - 7 are dependent) has been amended to recite that the upper limit of melt viscosity at 140°C is 120 mPas•sec. The latter value is expressly supported in the disclosure of the original specification, and in applicants' Japanese priority application No. 2000-133980.

***Rejections Applying JP '982***

It is submitted that the amendment of claim 1 to recite that the upper limit of melt viscosity at 140°C is 120 mPas•sec clearly overcomes the rejection of claims 1 and 4 - 7 under §112, and

additionally overcomes all grounds of rejection of claims 1 and 4 - 7 based on JP '982 (set forth in numbered paragraphs 10-13 of the Office Action) since JP '982 is antedated as a reference by applicants' aforementioned Japanese priority application, which supports these claims as amended.

Applicants note that, with JP '982 removed as a reference, claim 2 (like claim 25) does not stand rejected on prior art except for obviousness-type double patenting (discussed below). As mentioned above, the limitations of claim 2 have now been incorporated into claim 1, with claim 2 cancelled as redundant; hence it is believed that amended claim 1, like claim 2 before the present Amendment, is not subject to any rejection on prior art other than the provisional obviousness-type double patenting rejection.

***Other Rejections under §103(a)***

Claims 1 and 4 - 7 have been rejected under 35 U.S.C. §103(a) on the following combinations of references (numbered in accordance with the numbering of paragraphs in the Office Action): (14) Elsermans in view of Iwasaki and Kuramoto (as evidenced by "applicants' admissions"); (15) Aoki in view of Moser, Iwasaki and Kuramoto (as evidenced by "applicants' admissions"); (16) Takahashi in view of Moser, Iwasaki and Kuramoto (as evidenced by "applicants' admissions"); (17) Hata in view of Moser, Iwasaki and Kuramoto (as evidenced by "applicants' admissions"); and (18) Iwasaki in view of Kuramoto (as evidenced by "applicants' admissions"), McInally and Moser.

Applicants submit that the amendment of claim 1 to include the limitation heretofore set forth in now-cancelled dependent claim 2 overcomes all the above grounds of rejection of claim 1,

and of claims 4 - 7 dependent thereon, since claim 2 was not rejected on any of those grounds.

That is to say, in response to the above grounds of rejection numbered (14)-(18), applicants submit that claim 1 as herein amended, and claims 4 - 7, dependent on claim 1, distinguish patentably over the applied references, however combined, for the same reasons as now-cancelled claim 2.

***Double Patenting***

The provisional obviousness-type double patenting rejection is noted. Since no patent has yet issued on application No. 10/302,898, it is believed unnecessary to submit a terminal disclaimer at this time.

For the foregoing reasons, it is believed that this application is now in condition for allowance. Favorable action thereon is accordingly courteously requested.

Respectfully,

*S/*  
\_\_\_\_\_  
Christopher C. Dunham  
Reg. No. 22,031  
Attorney for Applicants  
Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*S/*  
\_\_\_\_\_  
Christopher C. Dunham  
Reg. No. 22,031 Date 9/19/05

*Newly signed:*  
*Christopher C. Dunham*  
*November 1, 2005*